UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,451	04/13/2001	Richard A. Quattrocchi	209895	2930

22908	7590	02/10/2006		EXAMINER

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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/834,451	QUATTROCCHI ET AL.
	Examiner	**Art Unit**	
	Robert W. Morgan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>21-83</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/05</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Group I including claims 1-20 in the reply filed

on 11/8/05 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2.   The information disclosure statements filed on 11/8/05 has been entered and

acknowledged.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,5092,064 to Welner in view of U.S. Patent No. 6,222,919 to Hollatz et al.

As per claim 1, Welner teaches a testing system, a method for routing a plurality of in-

coming inquiries initiated by a plurality of users, each of said users having previously provided a

specimen for evaluation to a testing facility prior to making an incoming inquiry, said evaluation

of said specimen yielding test result information, said test result information being associated

with a personal identification code, the method comprising the steps of:

--the claimed receiving an inquiry initiated by one of said users is met by the client-caller

(120, Fig. 1) requesting information about test results (see: column 4, lines 66 to column 5, lines

3);

--the claimed prompting said user to transmit said personal identification code is met by

the caller handler and routing system (110, Fig. 1) prompting the client-caller supply a unique

PIN (see: column 5, lines 3-8);

--the claimed receiving said personal identification code is met by the caller handler and

routing system (110, Fig. 1) receiving the personal identification number (PIN) and transmitting

to the host computer (150, Fig. 1) (see: column 5, lines 8-10); and

--the claimed routing said inquiry to the selected inquiry handler is met by a selected

caller handler chosen from a plurality of candidate call handlers after the personal identification

code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner teaches that a selected caller handler is chosen from a plurality of candidate call

handlers after the personal identification code is received by the caller handler and routing

system (see: column 2, lines 39-51). In addition, Welner teaches a host computer system (150,

Fig. 1) that includes information such as a list of valid PIN's in the PIN status and result

databases (see: column 4, lines 25-50, column 7, lines 3-5).

Welner fails to teaches the claimed determining whether said personal identification code

input by said user is associated with a code lot; and

--the claimed selecting an inquiry handler associated with said lot if said personal

identification code is determined to be associated with said lot.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that

routes calls based information from an external caller such as account number or type of call

(see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill

groups (reads on "code lot") (110a-110n, Fig. 2) based on their respective agent-skill indicator

(see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator

representative of a skill deemed useful in satisfying the needs of the external caller is identified

and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12

and Fig. 2).

One of ordinary skill in the art at the time the invention was made would have found it

obvious to include the identification code associated with a code lot and selecting a handler

associated with that code lot as taught by Hollatz et al. within the call routing and handling

system as taught by Welner et al. with the motivation of improving automatic call distribution

and grouping available agents to caller, in a timely fashion according to their specific needs (see:

Hollatz et al.:column 1, lines 63-67).

As per claim 2, Welner teaches the claimed step of retrieving in response to said personal

identification code test result information associated with said personal identification code. This

limitation is met by system (100, Fig. 1) that retrieves and provides test results to each individual

client (120, Fig. 1) based only a unique personal identification number associated with the

client's at-home test kit (see: column 3, lines 11-15).

As per claim 3, Welner teaches the claimed step of providing said test result information

to said user. This limitation is met by system (100, Fig. 1) that retrieves and provides test results

to each individual client (120, Fig. 1) based only a unique personal identification number associated with the client's at-home test kit (see: column 3, lines 11-15).

As per claim 4, Welner teaches the claimed step of retrieving test result information is performed prior to routing said inquiry to said selected inquiry handler. This feature is met by the automated call handler and routing system (110, Fig. 1) that uses recorded message to inform the client (120, Fig. 1) about test result information prior to sending the call to a live-counselor (140, Fig. 1) (see: column 4, lines 4-15).

As per claim 5, Welner teaches a host computer system (150, Fig. 1) that includes information such as list of valid PIN's in the PIN status and result databases (see: column 4, lines 25-50, column 7, lines 3-5).

Welner fails to explicitly teach database includes a plurality of code lots.

Hollatz et al. teaches a method and automatic call distribution system where agents are grouped into skill groups (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). In addition, Hollatz et al. teach a memory device (304, Fig. 3) that stores detected unavailable agents until the unavailable agents become available (see: column 2, lines 54-56).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 1, and incorporated herein.

As per claim 6, Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner fails to explicitly teach the claimed at least two of said code lots are exclusive of common codes.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill groups (reads on "code lot") (110*a*-110*n*, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 1, and incorporated herein.

As per claim 7, Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

Welner fails to explicitly teach the claimed at least one code lot, said plurality of inquiry handlers includes a plurality of inquiry handlers associated with said code lot, said method further including the step of selecting an inquiry handler from among the plurality of inquiry handlers associated with said lot.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill

groups (reads on "code lot") (110*a*-110*n*, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 1, and incorporated herein.

As per claim 8, Welner teaches the claimed step of selecting one of said inquiry handlers associated with said lot based upon said test result information. This limitation is met in a case where a client's (120, Fig. 1) test results are positive the call handler and routing system (110, Fig. 1) transfers the client-callers (120, Fig. 1) to a live counselor (140, Fig. 1) (see: column 4, line 11-15).

As per claim 9, Welner teaches the claimed plurality of inquiry handlers for said lot includes at least one live inquiry handler and at least one automated inquiry handler. This feature is met by the automated call handler and routing system (110, Fig. 1) that uses recorded message to inform the client (120, Fig. 1) about test result information prior to sending the call to a live-counselor (140, Fig. 1) (see: column 4, lines 4-15). Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51).

As per claim 10, Welner teaches the claimed inquiry is made via electronic communication. This limitation is met by the client-caller (120, Fig. 1) supplying a unique PIN

to system (110, Fig. 1) via the touch-tone buttons on the telephone of client-caller (120, Fig. 1)

(see: column 5, lines 3-7 and 19-25).

As per claim 11, Welner teaches the claimed test result information is provided to said

user via electronic communication. This limitation is met by the client-caller (120, Fig. 1)

supplying a unique PIN to system (110, Fig. 1) via the touch-tone buttons on the telephone of

client-caller (120, Fig. 1) (see: column 5, lines 3-7 and 19-25). In addition, Welner teaches that

the system (110, Fig. 1) retrieves and provides test results to each individual client (120, Fig. 1)

based only a unique personal identification number associated with the client's at-home test kit

(see: column 3, lines 11-15).

As per claim 12, Welner teaches the claimed wherein some of the codes in said code

database are not associated with a lot, said plurality of inquiry handlers including at least one

non-lot-specific inquiry handler. This feature is met when it is determined that a PIN supplied by

the client-caller (120, Fig. 1) is not recognized by the host computer (150, Fig. 1) the system

(110, Fig. 1) automatically transfer the call to a customer service representatives (140, Fig. 1)

(see: column 5, lines 9-19).

As per claim 13, Welner teaches the claimed plurality of inquiry handlers including a

plurality of non-lot-specific inquiry handlers, the method including the step of selecting one of

said non-lot-specific inquiry handlers if it is determined that said personal identification code

input by said user is not associated with a lot. This feature is met when it is determined that a

PIN supplied by the client-caller (120, Fig. 1) is not recognized by the host computer (150, Fig.

1) the system (110, Fig. 1) automatically transfer the call to a customer service representatives

(140, Fig. 1) (see: column 5, lines 9-19 and Fig. 1).

As per claim 14, Welner teaches the claimed step of selecting one of said non-lot-specific inquiry handlers based upon test result information. This limitation is met by the system (110, Fig. 1) that facilitates the providing of test results and counseling information to client (120, Fig. 1) either via recorded messages, or through the counselors and/or customer service representatives (CRSs) (see: column 4, lines 4-22).

As per claim 15, Welner teaches that a selected caller handler is chosen from a plurality of candidate call handlers after the personal identification code is received by the caller handler and routing system (see: column 2, lines 39-51). In addition, Welner teaches a host computer system (150, Fig. 1) that includes information such as a list of valid PIN's in the PIN status and result databases (see: column 4, lines 25-50, column 7, lines 3-5).

Welner fails to teach the claimed plurality of code lots, wherein at least one of said plurality of inquiry handlers is associated with plural code lots.

Hollatz et al. teaches a method and automatic call distribution system (100, Fig. 1) that routes calls based information from an external caller such as account number or type of call (see: column 4, lines 12-18). In addition, Hollatz et al. teaches that agents are grouped into skill groups (reads on "code lot") (110a-110n, Fig. 2) based on their respective agent-skill indicator (see: column 5, lines 20-21). Furthermore, Hollatz et al. teaches at step 208, a call-skill indicator representative of a skill deemed useful in satisfying the needs of the external caller is identified and at step 210, the call is routed to the agent in the proper skill group (see: column 6, lines 1-12 and Fig. 2).

The motivation for combining the teachings of Hollatz et al. within the system as taught by Welner are discussed in the rejection of claim 1, and incorporated herein.

As per claim 16, Welner teaches the claimed said specimen is a medical specimen and

said evaluation is a medical evaluation. This limitation is met by the client (120, Fig. 1)

providing a specimen of blood using a test-kit to the testing laboratory (130, Fig. 1) (see: column

3, lines 7-13).

As per claim 17, Welner teaches the claimed said evaluation is an evaluation for HIV.

This limitation is met by the client (120, Fig. 1) providing a specimen of blood using an HIV

test-kit to the testing laboratory (130, Fig. 1) (see: column 3, lines 7-13).

As per claim 20, Welner teaches the claimed plurality of inquiry handlers comprises at

least one common inquiry handler provided with instructions associated with said code lot,

wherein said step of selecting an inquiry handler comprises selecting instructions for said

common inquiry handler. This limitation is met by a selected caller handler being chosen from a

plurality of candidate call handlers after the personal identification code is received by the caller

handler and routing system (see: column 2, lines 39-51). In addition, Welner teaches in the event

that a caller-client (120, Fig. 1) requests help at step 230 the system (110, Fig. 1) transfers the

call to CSR for further handling (see: column 8, lines 7-11). Furthermore, Welner teaches at step

230, that once the caller-client (120, Fig. 1) indicates to the CSR that help is needed the call is

further processed at step 240 (see: column 8, lines 16-21). This suggests that the CSR transfers

the call according to proper protocol or instructions to the next step for further processing.

5.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 5,5092,064 to Welner in view of U.S. Patent No. 6,222,919 to Hollatz et al. as applied to

claims 1 and 16 above, and further in view of U.S. Patent No. 5,890,492 to Elmatch.

As per claims 18-19, Welner and Hollatz et al. teach the client (120, Fig. 1) providing a specimen of blood using a test-kit to the testing laboratory (130, Fig. 1) (see: Welner: column 3, lines 7-13).

Welner and Hollatz et al. fail to explicitly teach the claimed evaluation is an evaluation for hepatitis and environmental evaluation and specimen is an environmental specimen.

Elmalch teaches a method of controlling the spread of HIV/AIDS and other infectious diseases using a testing process that includes blood tests or other specific tests which identify diseases such as HIV/AIDS, syphilis, gonorrhea, chlamydia, herpes, hepatitis and the like (see: column 2, lines 19-23).

Therefore, it would have been obvious to a person of ordinary skill in art at the time the invention was made to include evaluation for hepatitis and environmental as well as the specimen is an environmental specimen as taught by Elmalch with the system of Welner and Hollatz et al. with the motivation of preventing the spread of infectious disease by providing an easily-accessible information database which provides status information to individuals who participate thereby minimizing the risk of becoming infected (see: Elmalch: column 1, lines 50-55).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,016,345) Quattrocchi disclosed an anonymous testing system for taking sample of body fluid to be tested.

In related art (FDA approves test kit for HIV) Pantagraph teaches a way for people to test for the AIDS virus in the privacy of their own homes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Morgan
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Art Unit 3626